

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-339-C - ORDER NO. 2003-712
DECEMBER 10, 2003

IN RE: Application of Volo Communications of) ORDER DENYING
South Carolina, Inc. for a Certificate of Public) MOTION FOR *W*
Convenience and Necessity to Provide Local) PROTECTION OR *W*
Exchange and Interexchange) CONFIDENTIAL
Telecommunications Services within the State) TREATMENT
of South Carolina.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Protection or Confidential Treatment of Volo Communications of South Carolina, Inc. (“Volo” or the “Company”) for this Commission to treat Exhibit C of the Company’s Application for a Certificate of Public Convenience and Necessity as confidential and proprietary. Exhibit C contains the financial statements of Volo.

Volo states in its Motion that Volo is not a publicly traded company, thus the information contained in Exhibit C is not available to Volo’s competitors. According to Volo, disclosure of the information included in Exhibit C could be competitively damaging to the Company; therefore, disclosure would not be in the public interest.

We have reviewed the Company’s request for its financial statements to be treated as confidential, and we find that Volo’s Motion for Protection or Confidential Treatment should be denied.

Public records are defined as official items of information within the files of the Commission which are available for inspection by the public. 26 S.C. Code Ann. Regs. 103-804(Y)(1)(Supp. 2002) Public records include financial, statistical, and other reports to the Commission in addition to any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation. 26 S.C. Code Ann. Regs. 103-804 (Y)(1)(b)(Supp. 2002). S.C. Code Ann. Regs. 103-834(3)(Supp. 2002) states, in part, that in a general rate establishment case, a balance sheet and a profit and loss statement representing a historic twelve-month test period shall be included in applications submitted to the Commission. Further, “any person has a right to inspect or copy any public record of a public body...” S.C. Code Ann. §30-4-30 (1976).

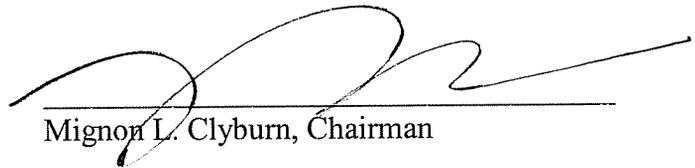
After reviewing the Motion of Volo and the aforementioned law, we find that Volo’s request that its financial statements remain confidential and unavailable to the public as a public record should be denied. Additionally, we hold the review of the information contained in the Company’s financial statements is important for the examination of Volo’s financial resources to provide telecommunications services to the public in South Carolina.

IT IS THEREFORE ORDERED THAT:

1. Volo’s Motion that its financial statements contained in Exhibit C of the Company’s Application remain confidential and proprietary is denied.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Bruce F. Duke, Acting Executive Director

(SEAL)